

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. JUDY WOOD on behalf of the
UNITED STATES OF AMERICA,

Plaintiff / Relator,

- against -

APPLIED RESEARCH ASSOCIATES, INC.;
SCIENCE APPLICATIONS INTERNATIONAL
CORP.; BOEING; NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES, INC.;
DATASOURCE, INC.; GEOSTAATS, INC.;
GILSANZ MURRAY STEFICEK LLP;
HUGHES ASSOCIATES, INC.; AJMAL
ARBASI; EDUARDO KAUSEL; DAVID
PARKS; DAVID SHARP; DANIELE
VENEZANO; JOSEF VAN DYCK; KASPAR
WILLIAM; ROLF JENSEN & ASSOCIATES,
INC.; ROSENWASSER/GROSSMAN
CONSULTING ENGINEERS, P.C.; SIMPSON
GUMPERTZ & HEGER, INC.; S.K. GHOSH
ASSOCIATES, INC.; SKIDMORE, OWINGS &
MERRILL, LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES, INC.;
WILL, JANNEY, ELSTNER ASSOCIATES,
INC.; AMERICAN AIRLINES; SILVERSTEIN
PROPERTIES; and UNITED AIRLINES,

Defendants.
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: **Index No.:**
: **07-CV-3314 (GBD)**

: **REPLY DECLARATION OF**
: **JASON HARRINGTON IN**
: **FURTHER SUPPORT OF THE**
: **MOTION TO DISMISS OF**
: **DEFENDANT GILSANZ**
: **MURRAY STEFICEK LLP**

JASON HARRINGTON, an attorney duly admitted to practice law before the Courts of the State of New York and the Southern District of New York, declares pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the following statements are true and accurate:

1. I am associated with the law firm of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for defendant GILSANZ MURRAY STEFICEK LLP (“GMS”), and based upon my analysis of our file in this matter I am familiar with the facts set forth herein.

2. I respectfully submit this reply declaration in further support of GMS's pre-answer motion to dismiss the Complaint of Plaintiff/Relator Dr. Judy Wood ("Wood"), pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3), by joining, adopting and incorporating the moving and reply papers submitted by co-defendants Simpson Gumpertz & Heger, Inc. ("SGH") and Computer Aided Engineering Associates, Inc. ("CAE"). The moving papers were filed with this Court on February 28, 2008, and docketed as item numbers 52-54 under this Court's CM/ECF docket.

3. GMS joins, adopts and incorporates SGH and CAE's motion on the same grounds as contained therein, and further submits that the Complaint lacks sufficient specificity attributable to GMS, as required by Rule 9(b). Wood's opposition papers fail to allege any specific record, statement or other information by or from GMS that evidences, or even alleges, any fraud on GMS's part. In fact, GMS is not even mentioned in the opposing affidavits or affirmations, except that Plaintiff's attorney perplexingly propounds in his opposing declaration that a February 23, 2008 newspaper article somehow evidences that GMS' moving papers "may be lacking candor" simply because GMS volunteered at the World Trade Center site, along with hundreds of other individuals and entities, immediately following the 9-11 terrorist attacks. This gross implication deserves no further mention in these reply papers, and should not be countenanced by this Court, but it further evidences that Wood's allegations, as against GMS, and the other defendants, amount solely to a fishing expedition based upon conjecture and an alluded to "appearance of impropriety" -- at best.

4. In essence, Wood's claim is that, merely because defendants' names were mentioned in the NCSTAR1 report, issued by National Institute of Standards and Technology, defendants must have committed some sort of fraud. Wood has made this claim in broad, conclusory language as against GMS, and all defendants, but Wood has failed to make any specific allegation of fraud as against GMS, or any other party. As a result, Wood's fishing expedition should not be tolerated by this Court, and her claims should be summarily dismissed.

WHEREFORE, Gilsanz Murray Steficek LLP respectfully requests that this Court grant its motion to dismiss, together with such other and further relief as this Court deems just and appropriate.

Dated: New York, New York
March 5, 2008

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Jason Harrington
Jason Harrington (JH7273)
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To: All appearing parties via CM/ECF

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of March 2008, I electronically filed the **REPLY DECLARATION**, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP with the Clerk of the Court using the CM/ECF system which sends e-mail notification to appearing parties.

In addition, I further certify that on the 5th day of March 2008, I caused the **REPLY DECLARATION**, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP, to be served via first class mail upon the following party:

JERRY V. LEAPHART & ASSOCIATES, P.C.
Attn: Jerry V. Leaphart, Esq.
Attorneys for Plaintiff/Relator
8 West Street, Suite 203
Danbury, CT 06810

By: /s/ Jason Harrington